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DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 11/01/2024

U.S. Department of Justice

United States Attorney
Southern District of New York

86 Chambers Street
 New York, New York 10007

October 31, 2024

By ECF

Hon. Margaret M. Garnett
 Thurgood Marshall United States Courthouse
 40 Foley Square
 New York, NY 10007

Re: *Rodriguez v. Antwi, DNP, et al.*, 24 CV 2941 (MMG)


Dear Judge Garnett:

This Office represents defendants Casa Maria Community Health Center and Flora Antwi, (together, the "Health Center Defendants"), deemed federal employees improperly named in this tort action removed from New York Supreme Court pursuant to the Federal Tort Claims Act (the "FTCA").

The Health Center Defendants are moving to dismiss the complaint. *See* Dkt. No. 17. I write to request permission to file Exhibit 6 to the Supplemental Declaration of Meredith Torres, Dkt. No. 24-2, under seal, because that exhibit is a medical record documenting Plaintiff's medical examination by Defendant Flora Antwi. Although the Court's Individual Rule of Practice I.D.1 permits filing of medical information under seal without the Court's approval, the Health Center Defendants have been unable to file the document through the ECF system without a Court order authorizing the filing. Accordingly, the Health Center Defendants respectfully request leave to file the exhibit in question under seal.

Application GRANTED. The document that Defendants request to be filed under seal is a "medical record documenting Plaintiff's medical examination" by Defendant Flora Antwi." Dkt. No. 25. Although "[t]he common law right of public access to judicial documents is firmly rooted in our nation's history," that right is not absolute, and courts "must balance competing considerations against" the presumption of access. *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 119-20 (2d Cir. 2006) (internal references omitted); *see also Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 599 (1978) ("[T]he decision as to access is one best left to the sound discretion of the trial court, a discretion to be exercised in light of the relevant facts and circumstances of the particular case."). The Court having considered Defendants' representations, it is hereby ORDERED that Defendants' motion to file Exhibit 6 to the Supplemental Declaration of Meredith Torres under seal is GRANTED. The Clerk of Court is respectfully directed to terminate Dkt. No. 25.

SO ORDERED. Dated Nov. 1, 2024


 HON. MARGARET M. GARNETT
 UNITED STATES DISTRICT COURT

Respectfully,

DAMIAN WILLIAMS
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 Southern District of New York
Attorney for the United States

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